

Application No.: 09/882,788
Amendment dated February 3, 2004
Reply to Final Office Action dated March 3, 2003

M 6675

REMARKS

Claims 1, 3-10, 12, 16, and 17 are rejected as obvious over U.S. 4,151,319 (Sackhoff) in view of U.S. 4,783,354 (Fagan), U.S. 6,025,058 (Shepherd), and U.S. 3,808,091 (Aoki). Claims 2, 11, and 13 are rejected as obvious over Sackhoff in view of Fagan, Shepherd, and Aoki, and further in view of U.S. 4,623,587 (Ito). Lastly, claims 14 and 15 are rejected over Sackhoff in view of Fagan, Shepherd, and Aoki, and further in view of U.S. 4,947,999 (Warp). These rejections should not be maintained over the claims as amended.

Claim 3 has been canceled, and its elements added to claim 1. Claim 1 now recites a sheet of synthetic paper having on a first side a layer comprising a silicone polymeric material. Contrary to the Examiner's arguments, this material is not taught or suggested by Shepherd at column 2, lines 23-30. Shepherd teaches combining a polyolefin material with a high percentage of silica, not silicone as claimed. Silica, or silicon dioxide, is a finely divided filler material used to impart superior water absorptive and adhesive properties to the surface of Shepherd's synthetic paper. Shepherd col. 1, lines 5-8, 37-47, col. 2, lines 20-31, col. 3, lines 17-21, col. 4, lines 47-60. The silica-impregnated layer demonstrated improved absorption over known surface treatments. Col. 2, lines 20-22, col. 3, lines 17-21.

Silicone, on the other hand, identifies a class of polymers having repeating $-Si(R)O-$ units that are characterized by high hydrophobicity and reduced adhesion properties. Silicone polymeric

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materials are chemically distinct from silica materials, and they exhibit far different properties. Therefore the silica-impregnated layer of Shepherd would not have taught one of skill to use the silicone layer of the invention.

Moreover, there is no motivation to combine or modify Shepherd's disclosure of the silica-impregnated layer to obtain a less adhesive, less absorptive silicone polymer layer. Shepherd intended to produce a synthetic paper having improved absorptive and adhesive properties on its external face. Shepherd col. 1, lines 5-8, 37-47, col. 3, lines 17-21, col. 4, lines 47-60. To that end they produced a two-layer laminate having a synthetic paper base layer coated with a surface layer of polyolefin impregnated with a high content of silica. Col. 2, lines 23-31. The silica-impregnated layer demonstrated improved absorption and adhesion over known surface treatments. Col. 2, lines 20-22, col. 3, lines 17-21.

No motivation to combine or modify references exists where doing so would destroy the intent, purpose, or function of the reference, M.P.E.P. § 2143.01. See also In re Gordon, 221 U.S.P.Q. 1125, 1127. One would not have ignored Shepherd's intent to improve absorption and adhesion over known surface treatments and added another element (silicone) that would have defeated those objects. For this reason as well the rejections should not be maintained.

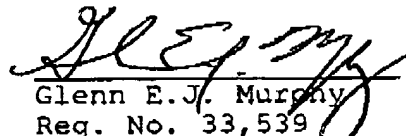
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CONCLUSION

Should any fees be due for entry and consideration of this Amendment that have not been accounted for, the Commissioner is authorized to charge them to Deposit Account No. 01-1250.

Respectfully yours,


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